

**BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON  
BOARD MEETING MINUTES  
August 24, 2009**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, August 24, 2009, at 10:00 a.m. **COMMISSIONERS RON AVERILL, P.W. SCHULTE, and F. LEE GROSE** were in attendance. **Chairman Grose** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Averill** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, August 17, 2009. **Commissioner Schulte** seconded.

Motion Carried 3-0

<b>Consent</b>
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**Commissioner Schulte** made a motion to approve Consent Items one through three. **Commissioner Averill** seconded the motion. Karri Muir, Clerk of the Board read the items into the record.

**1. Resolution No. 09-260      Approving modifications to Participating Agreement with the US Forest Service, Pacific Northwest Region-Gifford Pinchot for noxious weed control treatments.**

*Bill Wamsley, Weed Extension stated the funding for this agreement was approved through RAC and some additional funds were added from the Forest Service.*

*Commissioner Averill asked what the difference was in the funding presented a couple of weeks ago for noxious weed control.*

*Mr. Wamsley stated that was a different grant through the Department of Ecology.*

*Chairman Grose asked if this was 2009 and 2010 funding.*

*Mr. Wamsley stated it was just for 2009, that the funding was coming in late. The amount of the agreement is \$62,586.00*

**2. Resolution No. 09-261      Approving Affiliation Agreement between WSU College of Nursing and Lewis County Public Health and Social Services.**

*Doug Wangen, Health and Social Services, stated this agreement is regarding a nursing internship with WSU. It will run from August 27, through December 1, 2009. There is no funding associated with this agreement. The interns will help with the H1N1 vaccinations.*

*Commissioner Averill stated the Health Department has done a considerable amount of research on this virus and they feel we may have another outbreak during the fall. They will target pregnant women and children first for the vaccines.*

**3. Resolution No. 09-262 Adopting changes to the regular meeting schedule of the Board of County Commissioners.**

**Commissioner Averill** stated this resolution adopts changes to the regular meeting schedule of the Board of County Commissioners. The primary change is that the Board will be open for regular meetings from 8:00 a.m. to 5:00 p.m. during the workweek (Monday through Friday) except on holidays. In addition, Legislative meetings will be held on the 5<sup>th</sup> Monday of a month, a change from previous practice. The Board will continue to publish its weekly schedule of meetings

**Chairman Grose** added that we are not sure how the 5<sup>th</sup> Monday was started. Having a meeting on that date will help especially when the next Monday is a holiday.

Motion carried 3-0

<b>RFQ</b>
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**RFQ**

**Early Warning Flood Program**

**Chairman Grose** announced the RFQ opening and asked for a staff report.

**Bob Johnson, Community Development** stated this is for work that the Flood Authority is doing. The project approved is a basin wide early warning program. This RFQ is to hire a consultant for this program. The qualifications will be gone through with the Flood Authority Advisory Committee and they will make a selection. The recommendation will be brought to the next Flood Authority meeting for approval, then to the BOCC for final approval.

**Commissioner Averill** noted that the Flood Authority is made up of eleven governmental jurisdictions. One of the issues it is working on is adequate forewarning when storms are about to arrive in the county. We have a number of ways to do this, in terms of warnings from the Weather Service, gauges that are on the rivers, river watchers and such. In the event that we have a crisis starting on us, we have an Emergency Management System within the three counties and some of the cities that are in the basin. We are looking at, along with a Legislative request that was made by last year's Legislature, how to improve warning when flooding is imminent along rivers in the State of Washington, specifically the Chehalis Basin. The Flood Authority did approve the consultant to look at our warning system up and down the basin and make recommendations to them on placement of warning devices and improvements in cooperation between the areas Emergency Operations Centers up and down the basin to help pass warnings in a timely matter. This will give citizens an opportunity to prepare for an imminent flood by sandbagging, removing items, moving animals and the like. This is what we asked in the RFQ from the Flood Authority.

Consultant	Address
Distinctive AFWS Designs, Inc	Leicester, North Carolina
DHI Water & Environment, Inc	Portland, OR
Riverside and Carlton Engineering	Shingle Springs, CA
WEST (Water, Environment, Sedimentation, Technology Consultants Inc)	Bellevue, WA

**Commissioner Averill** stated there is no money tied to this right now.

**Commissioner Schulte** asked if this could be tied into the Code Red System, we have now.

**Mr. Johnson** stated the chosen consultant would look at current emergency plans we have in place now and coordinate this project with them.

**Mike Strozyk, Central Services** noted that we have the technology to integrate this new project into Code Red.

## Hearings

### Hearing

### Franchise to Cascade Network

**Chairman Grose** announced the hearing and asked for a staff report.

**Larry Unzleman** stated this franchise would allow Cascade Networks to install, operate, and maintain telecommunication equipment on County rights of ways. The current project will use PUD poles to install fiber from the east city limits of Winlock, easterly along Nevil Rd., then southerly along N. Military Rd to the Winlock High School. In anticipation of future projects, the franchise will be countywide. They will have to apply for permits for other projects. The Board will set the term for this franchise.

**Chairman Grose** asked Mr. Unzleman what the recommendation is for setting the terms of this franchise agreement.

**Mr. Unzleman** stated that customarily we do a term of 10 years.

**Commissioner Averill** stated he would be more comfortable with a term of five years.

**Mr. Unzleman** stated that the recent franchise to Northwest Pipeline was five years.

**Chairman Grose** asked if there were any questions from the audience or the Board.

**Bob Johnson, Community Development** asked if there is a reference in the franchise that relates to the 1984 Network Act.

**Mr. Unzleman** stated the County Code does not cover this. He also noted that before Cascade Networks would be able to do any additional projects they would need

to apply for a permit. At that time, they would not be allowed to include television cable to a project.

**Commissioner Averill** asked if current Winlock project on PUD poles was on the County right of way.

**Mr. Unzleman** stated they were on our right of way.

There was discussion on whether the PUD has given the County permission to use their poles. The PUD is under a right of way agreement with the County currently. The County will obtain an agreement for the Cascade Network from the PUD before the work is started.

**Commissioner Averill** is concerned with the general approval of the franchise. He wants reassurance that a project that is not planned for, does not happen.

**Chairman Grose** clarified that the franchise covers the limit of contract, but other projects have to be permitted by Public Works.

**Mr. Unzleman** stated that was correct, each project they do has to be permitted by Public Works first.

**Commissioner Averill** clarified that the permits were processed through Public Works and not the Board.

**Mr. Unzleman** stated the franchise is countywide because Cascade Networks can see their operations expanding. PUD and different pipelines have countywide franchises.

**Chairman Grose** asked if there were any more questions. There were none. He closed the question, answer portion of the hearing, and opened the formal hearing.

**Mr. Unzleman** asked that his previous comments be adopted into the record.

**Chairman Grose** asked if there was anyone who wanted to speak for or against the Franchise to Cascade Networks.

**Bob Johnson, Community Development** stated his department is in the process of reviewing cable TV network franchises. These types of franchises are required to be requested and approved in Lewis County. He is concerned with fiber optics in the County rights of ways without permission to install cable TV services. He feels they may use the fiber without paying the County. He would like to see a section in the franchise addressing this issue.

**Commissioner Averill** suggested that the Directors from the different departments get together to establish coordination on these types of issues.

**Brian Magneson, President of Cascade Networks** stated they have been in business since 2000. They have 500 miles of fiber in Cowlitz County and have connected public entities together. They have promised the Winlock School District they would be on-line by September 1, 2009. Currently they have applied for stimulus money to run fiber to the areas that do not have network cable now.

He would like to study Lewis County and do the same thing. He noted that Lewis County Staff has been great to work with on this project.

**Commissioner Averill** stated this project is beneficial to Lewis County. He does have concerns with the open-ended contract.

**Chairman Grose** closed the hearing and asked for a motion to approve Resolution 09-263.

**Commissioner Averill** moved to approve Resolution 09-263. **Commissioner Schulte** seconded the motion. **Commissioner Averill** asked to amend the motion to set a five-year term limit on the franchise agreement. **Commissioner Schulte** seconded the motion.

Motion carried 3-0

## Hearing

## Mt. Lake View Addition-No Shooting Zone

**Chairman Grose** announced the hearing and asked for a staff report.

**Eric Pennala, Community Development**, went over the area of the requested No Shooting Zone.

**Commissioner Averill** asked why the request was made and by who.

**Mr. Pennala** stated the petitioners were concerned with someone shooting off a porch near their residence and started the process for a "No Shooting Zone". He noted that there was a meeting held in Mossyrock with the concerned citizens. Staff recommends that Ordinance 1208, No Shooting Zone should not be approved.

**Chairman Grose** asked if there were questions from the audience or Board.

**Commissioner Averill** asked what the population was in the proposed No Shooting Zone.

**Mr. Pennala** stated he did not know the population.

**Commissioner Averill** asked him to characterize the community around it.

**Mr. Pennala** stated that the smaller lots were established as vacation areas and the larger parcels people lived there. He also noted there is a Christmas tree farm that borders part of the proposed area. He noted that the zoning is considered Rural Low Density.

**Chairman Grose** asked what is to determine a gun discharge coming from anyone of the areas. It is very difficult to determine where a gunshot comes from. If someone

fires a rifle or any kind of a gun on any one of these parcels, the tree farm parcels or the other parcels that are not zoned, how would we determine or the Sheriff determine if that shot came from the No Shooting Zone.

**Mr. Pennala** stated that is the difficulty of establishing this No Shooting Zone. There could be visual observations where someone could see the actual discharge, but by just hearing the discharge, it would be difficult to pinpoint the exact location.

**Sydney Larison, Cinebar** stated she has a one-acre parcel in the proposed No Shooting Zone. She asked if Lewis County has a law that a person cannot shoot within 100 yards of a residence.

**Mr. Pennala** stated the County's Ordinance does not limit the distance, but it is illegal to shoot in a residential area.

There was discussion on whether or not the area could be re-classified or re-zoned, and it was established that it could be re-zoned, but it would be very difficult because of the GMA.

**Chairman Grose** closed the question, answer portion of the hearing, and opened the formal hearing. He asked if anyone would like to speak for or against the proposed "No Shooting Zone".

**Mr. Pennala** asked that his previous comments be adopted into the record. He then submitted a petition of residents against the proposed No Shooting Zone for the record.

**Marian Spears, Cinebar, WA** stated she is for the No Shooting Zone. People are shooting in an area where they live. This area is too crowded and the residents fear for their lives. She submitted a petition of residents for the No Shooting Zone.

**George Spears, Cinebar, WA** stated the area where he lives is zoned RDD-1.

**Commissioner Averill** noted that the Assessor's Office does not do zoning, the County BOCC does under the GMHB.

**Mr. Spears** stated there is property owner below him that divided five acres into one-acre parcels. This happened between three and five years ago. The area is known as Mt Lakeview Addition. All of the area is one acre or smaller.

**Commissioner Averill** noted that Bob Johnson is researching the parcels.

**Chairman Grose** stated he has concerns with these types of restrictions. He noted that responsible behavior is hard to take care of. If we pass this No Shooting Zone, the next one will be for across Cinebar Rd. Regardless what we do; it is not going to stop people from shooting. Looking at the map there is danger from someone shooting across the highway and other areas also.

**Mr. Spears** stated he feels they are expressing the same feelings. The No Shooting Zone is going to be hard to enforce. He noted that most people obey the law. When they called the Sheriff's Department on the shooting incident on his property, they responded by saying they would not respond because it was not in a No Shooting Zone. He is not concerned about people owning guns, just about his safety.

**Mr. Pennala** stated one way to be able to enforce shooting of firearms is to form a Homeowner's Association. They would adopt provisions stating this is a No Shooting Zone and police themselves.

**Bob Steinberg, Cinebar, WA** stated there are many homes in this area. The Government is supposed to provide safety to the citizens. We do not feel safe in our homes any longer.

**Commissioner Averill** asked Mr. Steinberg if he has used a shotgun on his property.

**Mr. Steinberg** stated he had.

**Commissioner Averill** let him know if a No Shooting Zone were passed, he would not be able to use any type of firearms on his property.

**Mr. Pennala** stated the gentleman who testified earlier (Mr. Spears) was correct. His property is RDD-1.

**Commissioner Averill** stated according to the GMA, designations that existed before 1993 were included in a LAMRID of smaller units. This LAMRID cannot be expanded beyond its current boundaries.

**Robert Sifford, Cinebar, WA** gave more names against the No Shooting Zone. He stated there was not a shooting that happened on their property. He is opposed to the No Shooting Zone.

**Chairman Grose** asked if this was an isolated incident and if there is wide scale hunting in the area.

**Mr. Sifford** stated the shooting was farther away and not in the area of the proposed No Shooting Zone.

**Charles Conn, Cinebar, WA** stated he was there the day of the deer shooting. The shooting was not towards the residents houses. He thinks this No Shooting Zone is a permanent thing and asked if it included all types of weapons.

**Chairman Grose** stated it does not include bow and arrow, but does include all firearms that discharge.

**Delmar Atkins, Cinebar, WA** stated there was misinformation given about the deer-shooting incident off the deck. He talked to the hunters about hunting off a deck and let them know it did not look good and they left to hunt in the woods. They did not fire towards any residences.

**Chairman Grose** closed the hearing and asked for a motion to approve Ordinance 1208.

**Commissioner Averill** made a motion to approve Ordinance 1208. There was not a second.

**Chairman Grose** stated there was not a seconded to the motion to approve Ordinance 1208, the motion is denied.

**Commissioner Averill** stated if this had come to a vote, he would have been in accordance with the other Commissioners. He spent 30 years in the Army and has quite a bit of experience with weapons. As I pointed out in some of the questions I gave, there are different calibers of weapons. Unfortunately, when you establish a 'No Shooting Zone' you include everything. Out in the country, and this is in the country, (despite the fact that this small community is squeezed in there, near a recreation area), it still is from the standpoint of the County, out in the country. I live in Centralia and people shoot around my home because shooting is allowed in the non-incorporated area of the County. Some of the shots sound like they are close. My experience around weapons is the report of a large caliber weapon can be heard for miles. The direction often time is not discernable. Most people who hunt are responsible. From what I heard of this event, I would not characterize it as responsible. I hope those of you who know the individuals that did it would tell them that this is not a responsible use of weapons. I am concerned about the Sheriff's response. I will talk to the Sheriff about that because it is illegal to shoot at homes, across properties and they should investigate. It is not only in your small community, it would not be appropriate in a one to five or any other areas. Responsible people who are responsible with their weapons would not do this. I understand the concerns of you who live in this small community; however, I do not think this is the way to do it and certainly not to include areas where obviously this type of activity with different types of weapons is going on. If it had gone to a vote, I would have voted against it.

**Chairman Grose** stated to establish a No Shooting Zone in such a relatively small area is very difficult to justify and it is difficult to police a No Shooting Zone in a smaller area like this. We do not have any verification on where those shots are coming from or going. Mr. Pennala mentioned the formation of a Homeowners Association, and this could be dealt with in that forum. That would be an enforceable piece of legislation we could use. I agree with Commissioner Averill that we will encourage the Sheriff to investigate fully any discharges of weapons in this area and to prosecute according to the law.

There being no further business, the Commissioners' public meeting adjourned at 10:42 am on August 24, 2009. The next public meeting will be held Monday, August 31, 2009, at 10:00 a.m.

Please note that minutes from the Board of County Commissioners' meetings are not verbatim. A recording of the meeting may be purchased at the Commissioners' office.




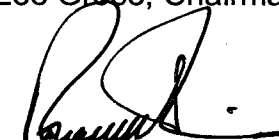
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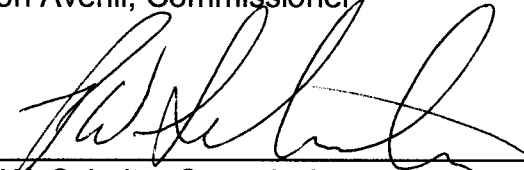
ATTEST:

  
Clerk of the Board  
Lewis County Commissioners



  
F. Lee Grose, Chairman

  
Ron Averill, Commissioner

  
P.W. Schulte, Commissioner